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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Allowability

Application No.

09/253,014

Examiner

Matthew S. Gart

Applicant(s)

WOOLSTON, THOMAS G.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amend 2/14/2008.
2. ☒ The allowed claim(s) is/are 11-25,33-50,53-55,64-99,133-211 and 219-226.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2/14/2008
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

/Matthew S Gart/
Primary Examiner, Art Unit 3625

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John C. Phillips on February 14th, 2008.

The application has been amended as follows:

In the Title

The Title has been changed to read:

-- A computer-implement method and system for conducting auctions on the Internet --

In the Claims

1-10. (Canceled)

11. (Currently Amended) A computer-implemented method for conducting auctions on the ~~internet~~ Internet, the method comprising:

receiving over a communication network, by ~~an auction node~~ a communication handler program executing on a networked ~~host~~ market maker computer, information from a remote computer of a first entity corresponding to an item for auction, the information received via the communication network from the remote computer of the first entity including (i) a designation of an item category, selected from a list of item categories presented at the remote computer of the first entity, under which the item for auction is to be listed, and (ii) input relating to scheduling an auction for the item;

processing, by a mapping module at the auction node ~~networked market maker computer~~, at least a portion of the received information from a database format into a world wide web presentation format ~~by a database-to-presentation-format-formatting program~~, the presentation format including an indication of the selected designation of the category of the item for auction;

based at least in part on the selected category designation and the auction scheduling information previously received from the remote computer of the first entity, automatically initiating an instance of an ascending-bid auction process to conduct an ascending-bid auction for the item over the Internet from the ~~auction node~~ networked market maker computer;

wherein the automatically initiated auction process conducts the auction to completion by performing operations including:

presenting ~~the~~ a depiction of the item in the presentation format to a plurality of potential buyers;
receiving at the ~~auction node~~ networked market

maker computer one or more bids on the auctioned item from one or more bidders; and
terminating the auction after a predetermined time.

12. (Currently Amended) The computer-implemented method of claim 11 wherein the input relating to the scheduling of an auction for the item is a remote invocation of the auction process at the ~~auction-node~~ networked market maker computer by the ~~remote~~ first entity operation of a the remote computer executing a posting terminal program.

13. (Currently Amended) The computer-implemented method of claim 11 wherein the first entity is a consignment node operator wherein the consignment node operator has physical possession of the item for auction and is an authorized seller of the item for auction.

14. (Currently Amended) The computer-implemented method of claim 11 wherein the first entity is a posting terminal user, ~~in which the item is outside the control of the auction-node~~ and wherein the networked market maker computer does not have physical or legal possession of the item for auction.

15. (Currently Amended) The computer-implemented method of claim 14 wherein the ~~auction-node~~ networked market maker computer accepts ~~items~~ information corresponding to an item for auction from the remote computer of the first entity over the ~~communications~~ communication network without verifying that the first entity has physical possession of the item for auction.

16. (Currently Amended) The computer-implemented method of claim 14 wherein the ~~auction-node~~ networked market maker computer accepts ~~items~~ information corresponding to an item for auction from the remote computer of the first entity over the

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~~communications~~ communication network without verifying that the first entity has ~~control~~ physical or legal possession of the item for auction.

17. (Currently Amended) The computer-implemented method of claim 14 wherein a central ~~operating~~ franchising authority ~~of the auction node~~ detects fraud and revokes ~~authorization to~~ a franchise license of the first entity to electronically present items for auction at the ~~auction node~~ networked market maker computer.

18. (Currently Amended) The computer-implemented method of claim 11 wherein the information received from the remote computer of the first entity further includes subjective descriptive information concerning the item for auction within the information transmitted from the remote computer by the first entity and received by the ~~auction node~~ networked market maker computer, and the ~~auction node~~ networked market maker computer presents the subjective descriptive information concerning the item for auction to the potential buyers without further review by ~~an auction node~~ a networked market maker computer operator.

19. (Currently Amended) The computer-implemented method of claim 18 wherein a central ~~operating~~ franchising authority ~~of the auction node~~ imposes a quality and performance structure on the first entity and if the first entity fails to meet the imposed quality and performance structure the central ~~operating~~ franchising authority ~~of the auction node~~ may revoke the a franchise license of the first entity to use the ~~auction node~~ networked market maker computer ~~by the first entity~~.

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20. (Currently Amended) A computer-implemented method of conducting auctions on the internet Internet at an ~~auction node~~ a networked market maker computer that coordinates via the internet Internet with an ~~remote application program~~ a post request module executing at a remote computer operated by a remote entity, the method comprising:

~~transmitting from the auction node~~ maintaining at a remote computer operated by a remote entity information about an item category structure corresponding to a database structure maintained at the ~~auction node~~ a networked market maker computer ~~to the computer operated by the remote entity~~ for storage in a data repository associated with the remote computer operated by the remote entity that is subsequently accessible by the ~~remote application program~~ a post request module executing on the remote computer operated by the remote entity while the ~~remote application program~~ post request module is not in network communication with the ~~auction node~~ networked market maker computer;

receiving over a communication network, by the networked market maker computer an asynchronously created data record from the ~~remote application program~~ post request module executing on the remote computer operated by the remote entity, the asynchronously created ~~dated~~ data record providing an item category selection from the data repository containing information about the category structure of the ~~auction node~~ networked market maker computer, the data record further containing input relating to scheduling an auction for an item, a descriptive ~~short title~~ name of an item ~~from the remote entity~~ and a ~~subjective characterization~~ brief description of the item ~~from the remote computer operated by the remote entity~~, the data record being capable of storage at the data repository associated with the remote computer operated by the remote entity for subsequent scheduled or manual transmission to the ~~auction node~~ networked market maker computer over the internet Internet;

~~identify~~ identifying the an item to be auctioned;

processing, by a mapping module, at least a portion of the received data record from a database format to create a world wide web presentation format corresponding

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to the item to be auctioned, the presentation format including an indication of the item category of the item to be auctioned selection;

based at least in part on the received item category designation selection and the data record, automatically initiating an instance of an ascending-bid auction process at the ~~auction node~~ networked market maker computer to conduct an ascending-bid auction for the item over the Internet, the auction process automatically conducting an auction for the item to completion by:

presenting the presentation format to a plurality of

~~internet~~ Internet participants;

receiving one or more bids for the item from one or more ~~internet~~ Internet bidder participants; and

terminating the auction upon occurrence of a predetermined condition.

21. (Currently Amended) The computer-implemented method of claim 20 wherein conducting an auction for the item comprises opening an auction process to participants on the ~~internet~~ Internet; and further comprising automatically closing the auction process to the ~~internet~~ Internet participants based on a predetermined condition.

22. (Currently Amended) The computer-implemented method of claim 20 further comprising:

verifying and accepting a data record for an item from the ~~remote application program~~ post request module and for each successfully posted data record, generating a unique tracking code for each item.

23. (Currently Amended) The computer-implemented method of claim 20 further comprising:

approving authorization to access the ~~auction node~~ networked market maker computer by an identification code and a password code in the ~~data~~ a header of the

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data record received from the ~~remote-application-program~~ post request module that is executing on the remote computer operated by the remote entity.

24. (Currently Amended) The computer-implemented method of claim 20 further comprising:

determining from the data record received from the ~~remote-application-program~~ post request module executing on the remote computer operated by the remote entity whether the item represented by the data record is designated for an auction process or a fixed price offering at the ~~auction-node~~ networked market maker computer.

25. (Currently Amended) The computer-implemented method of claim 20 further comprising:

receiving a de-post ~~command~~ request for an item from the ~~remote-application-program~~ a de-post request module executing on the remote computer operated by the remote entity; and

determining from a data record for the item maintained by the ~~auction-node~~ networked market maker computer whether to remove the item from the auction or fixed price process at the ~~auction-node~~ networked market maker computer in response to the received de-post ~~command~~ request from the data record for the item.

26-32. (Canceled)

33. (Currently Amended) A computer-implemented system for conducting auctions on the ~~internet~~ Internet, the system comprising:

information processing means for mapping at least a portion of information corresponding to an item for auction received from a remote computer of a first entity over a communication network from a database format into a world wide web presentation format, the received information including a designation of an item category, selected from a list of item categories presented at the remote computer of the first entity, under which the item for auction is to be listed, and input relating to scheduling an auction for the item;

an auction item presentation means for presenting items for auction in the presentation format to bidding participants connected via the internet Internet, the auction item presentation means presenting items for auction in the presentation format arranged into item categories, each item for auction being associated with an a selected item category designated designation by a poster of the item to be auctioned;

an auction process means for executing an ascending-bid auction process at a networked market maker computer to automatically conduct an ascending-bid auction for the an item based at least in part on the selected designated designation of the category of the item for auction and the scheduling information received from the remote computer of the first entity over the communication network poster prior to initiation of the auction;

an auction bid recipient means for receiving, during the auction process, at least one bid on an item being presented by the auction item presentation means; and

payment recipient means for receiving payment information from a bidding participant, the payment information corresponding to the item for which the bid was received.

34. (Currently Amended) The computer-implemented system of claim 33 further comprising payment verification means for passing received payment information to an external clearing-house payment clearance system for verification.

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35. (Canceled) ~~The system of claim 33 wherein the auction item presentation means comprises a database to presentation formatting program for mapping information from a database into a worldwide web format.~~

36. (Currently Amended) The computer-implemented system of claim 33 further comprising:

a transaction processor to debit an account identified by the payment information if the received bid is approved.

37. (Currently Amended) The computer-implemented system of claim 33 wherein the received payment information identifies a credit card.

38. (Currently Amended) The computer-implemented system of claim 36 wherein the payment information identifies a credit card and wherein the transaction processor charges the credit card for the payment associated with the approved bid.

39. (Currently Amended) The computer-implemented system of claim 33 wherein the auction item presentation means presents the auction item information as a markup language world wide web page.

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40. (Currently Amended) A computer-implemented auction participant system for enabling participation in an online auction conducted over a packet-switched network, ~~the auction participants including posters of items to be auctioned and bidders on the items to be auctioned~~[[,]] the system comprising:

an auction item information receiving means for receiving ~~a page of~~ information ~~from a poster~~ for creating a data record for each of one or more items available for auction, the received ~~page of~~ information including information corresponding to one or more items available for auction, ~~[[poster-]]specified auction scheduling information for each item available for auction~~, and a ~~[[poster-]]specified designation of one or more an item categories~~ category with which ~~the items~~ each item available for auction are is associated;

means for placing, in each of the one or more data records, a respective unique identifier to uniquely identify a respective data record for an item available for auction;

an auction process means for executing an ascending-bid auction process to automatically conduct an ascending-bid auction for one or more of the one or more items available for auction each based at least in part on the specified designation of an item category designation for the item available for auction and the scheduling information specified auction scheduling information for the item available for auction received ~~from the poster~~ prior to initiation of the an auction for the item available for auction;

an auction bid input means for inputting a bid for at least one of the items ~~presented by the poster~~ during an ascending-bid auction for the at least one of the items and for inputting payment information associated with the bid; and

bid processing means for processing payment information ~~from~~ of a winning bidder via the packet-switched network ~~to~~ and of an account maintained by the computer-implemented auction participant system ~~for the poster.~~

41. (Canceled) ~~The system of claim 40 wherein the received page comprises a markup language page and wherein the auction item receiving means comprises a web browser connected via the internet to a server at the remote bid processor system.~~

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42. (Currently Amended) The computer-implemented auction system of claim 40 wherein the payment information identifies a credit card information provided by the winning bidder to pay for ~~the~~ an item in the amount of ~~the~~ a winning bid for the item.

43. (Currently Amended) A computer-implemented system for auctioning a uniquely identified item over a packet-switched network, the system comprising:

a database of data records, each data record relating to an item for auction and comprising ~~an~~ a unique identifier to uniquely identify ~~the item~~ a respective data record for the item for auction and an item category under which the item is to be offered for auction, each data record including information specified by and received from ~~a poster of the item~~ a remote computer of a first entity, the ~~[[poster-specified]]~~ specified information including a an item category designation and auction scheduling information;

~~an auction system~~ a networked market maker computer accessible by a plurality of participants via the packet-switched network, that based at least in part on the ~~[[poster-specified]]~~ specified category designation and the auction scheduling information received prior to initiation of ~~the~~ an auction, ~~automatically presents an item for auction by providing a mark-up language page of information corresponding to an item that is available for auction during a specified time maps, by a mapping module, information in a database format to a page of information in a world wide web presentation format for presentation corresponding to an item that is available for auction during a specified time, the mark-up language page of information including an indication of the item's~~ item category designation;

wherein the auction system is configured with computer-executable instructions stored in computer-readable memory that executes execute an ascending-bid auction process corresponding to the item based at least in part on the scheduling information received from the ~~poster of the item~~ remote computer of the user, ~~receives receive~~ bids from one or more of the participants ~~over the packet-switched network at the networked market maker computer~~ and ~~terminates terminate~~ the auction when one or more predetermined criteria are satisfied; and

wherein the auction system is configured to transmits transmit to a selected auction participant information about where the selected auction participant should submit payment information for the auctioned item.

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44. (Currently Amended) The computer-implemented system of claim 43 wherein the auction system is configured to ~~refuse~~ reject bids after at least one of the one or more predetermined criteria ~~have~~ has been satisfied.

45. (Currently Amended) The computer-implemented system of claim 43 wherein the auction system ~~comprises a web page server interface for receiving bids~~ is configured to execute a subroutine to check participant sessions for bids from auction participants connected to the auction system via the Internet using the world wide web.

46. (Currently Amended) The computer-implemented system of claim 43 wherein the auction system ~~receives payment information with each bid~~ is configured to execute a subroutine which uses a participant session identification passed to a data structure to correctly identify participants of a particular auction.

47. (Currently Amended) The computer-implemented system of claim 46 wherein the auction system is configured to ~~receives~~ receive payment information identifying a credit card account, and ~~transmits~~ transmit the credit card account information to ~~a remote verification~~ an external payment clearance system before ~~processing the bid~~ changing an ownership entry in the data record relating to the item.

48. (Currently Amended) The computer-implemented system of claim 47 wherein the auction system is configured to ~~selects~~ select a bid based on the one or more predetermined criteria, ~~processes the credit card account~~ clear the transaction for the amount of the bid, and ~~transfers legal ownership of the item to the participant that submitted the bid~~ change an ownership entry in the data record relating to the item to the participant that submitted the selected bid.

49. (Currently Amended) A computer-implemented auction participation system, in communication with an auction processor that process bids for items being auctioned, for enabling participation in an online auction over a packet-switched network, the auction participation system comprising:

an auction data recipient means that receives from ~~an item poster~~ a first entity via a server at the auction processor data containing information about at least one item being auctioned, the received data including auction scheduling information for each item and a designation of an item category with which each of the at least one item being auctioned is associated, the designation of an item category being specified by a ~~poster of the item~~ the first entity,

storing means for storing at least a portion of the received data for each item as a respective data record in a database format;

mapping means for mapping at least as portion of the data stored in the respective data record for each item from the database format into a world wide web presentation format;

an auction process stored in computer-readable memory for conducting an ~~[[internet-based]]~~ Internet-based ascending-bid auction of ~~the an~~ item based at least in part on the ~~[[poster-]]~~specified designation of an item category and the auction scheduling information received from the ~~poster of the item~~ first entity prior to inception of the auction;

presentation means for presenting the ascending-bid auction to a plurality of participants in the world wide web presentation format;

bid input means for enabling a bid from a participant to ~~input a bid for submission~~ be submitted to the auction processor via the packet-switched network;

bid award receiving means for receiving an indication that the bid ~~was awarded to~~ from the participant was accepted; and

payment information input means for enabling the participant to input payment information in response to receiving a ~~bid award~~ an indication that the bid from the participant was accepted.

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50. (Currently Amended) The computer-implemented auction participation system of claim 49 wherein the ~~auction page receiving means~~ presentation means comprises a web browser system that accesses a server at the auction processor to ~~receive the page~~ present the ascending-bid auction to a participant.

51-52. (Canceled)

53. (Currently Amended) The computer-implemented auction participation system of claim 49 wherein the auction participation system selects a bid for the item based on one or more predetermined criteria, processes ~~the a~~ a credit card account for the amount of the bid and ~~transfers legal ownership of the item~~ changes an ownership entry in the respective data record for the item to the participant that submitted the selected bid.

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54. (Currently Amended) A computer-implemented system for facilitating commerce at an ~~internet~~ Internet-based auction, the system comprising:

~~an auction node~~ a networked market maker computer for receiving over a communication network from one or more remote computers operated by auction user participants users information regarding an item to be electronically presented for an auction, the received information including auction scheduling information and a user-specified designation of a category, selected from a list of categories presented at a remote computer of a user, under which the item is to be auctioned;

an auction processor including a mapping module at the ~~auction node~~ networked market maker computer for processing information received by the ~~auction node~~ networked market maker computer from a database format to a world wide web presentation format and presenting the processed information in a the presentation format to be transmitted to auction participants over a packet-switched network, the format including an indication of the user-specified designation of a category of the item to be auctioned, the auction ~~process~~ processor configured for execution of computer-executable instructions stored in computer-readable memory including that execute an autonomous ascending-bid auction process for executing an ascending-bid auction for the item based at least in part on the user-specified ~~category~~ designation of a category and the auction scheduling information regarding an item received from the ~~auction user participants~~ the remote computer of the user of the item prior to inception execution of the auction; and

bid receiving means for receiving bids for the item presented to auction participants.

55. (Currently Amended) A computer-implemented method of facilitating ~~internet~~ Internet auctions, the method comprising:

receiving, from at least one of a plurality of remote computers over a communication network at a computer system programmed to receive information over a the communication network, information provided from a first entity and corresponding to an item to be posted for auction ~~from a auction poster~~ including (i) information about ~~an~~ the item to be posted for auction, and (ii) ~~input~~ information relating to scheduling an auction for the item, the ~~auction item~~ information corresponding to the item to be posted for auction including a ~~[[poster-]]~~specified selection of a predetermined category, the predetermined category selected ~~by the poster~~ from a predetermined list of categories maintained ~~on~~ by the computer system and presented at least one of the plurality of remote computers;

based on at least a portion of the information corresponding to the item to be posted for auction received from at least one of the plurality of remote computers a ~~poster~~, generating a unique ~~item~~ data record identifier corresponding to a respective data record for the item to be posted for auction by a program executing on the computer system;

placing, in the respective data record for the item to be posted for auction, the unique data record identifier;

notifying the poster at least one of the plurality of remote computers of the unique item data record identifier generated in response to receiving information about corresponding to the item to be posted for auctioned auction;

based at least in part on the [[poster-]]specified category selection and the auction scheduling input information relating to scheduling an auction received ~~from the auction poster~~ prior to initiation of the auction, ~~auctioning the item~~ autonomously initiating an instance of an ascending-bid auction process to conduct an ascending-bid auction for the item at the computer system with by executing an autonomous auction process program, the autonomous auction process program indicating the predetermined selected category selected ~~by the poster~~ and identifying the item to be auctioned;

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presenting the ascending-bid auction to a plurality of auction participants via the communication network in response to a request to display information about the item to be auctioned, the request to display the item's information about the item to be auctioned being processed by a computer program executing on the computer system; and

receiving at the computer system at least one bid on the item being auctioned, the computer system automatically checking for bids and updating a display of the item's information about the item in response to receipt of the at least one bid.

56-63. (Canceled)

64. (Currently Amended) The computer-implemented method of claim 55 wherein the information corresponding to the item to be posted for auction received from the poster at least one of the plurality of remote computers further comprises an item subcategory, selected by the poster from a list of item subcategories, under which the item is to be offered for auction.

65. (Currently Amended) The computer-implemented method of claim 55 wherein the information corresponding to the item to be posted for auction received from a poster the at least one of the remote computers comprises a verbal textual description of the item or a graphical depiction of the item or both.

66. (Currently Amended) The computer-implemented method of claim 55 wherein the information corresponding to the item to be posted for auction received from the poster the at least one of the remote computers comprises a verbal textual description of the item, the verbal textual description including subjective information supplied by the poster.

67. (Currently Amended) The computer-implemented method of claim 66 wherein the subjective information includes one or more of the following: condition of

the item being offered for auction, authenticity of the item being offered for auction or special features of the item being offered for auction.

68. (Currently Amended) The computer-implemented method claim 55 wherein, prior to ~~supplying~~ receiving at the computer system information corresponding to the item to be posted for auction, ~~the poster registers to sell items for auction~~ authorizing an entity to sell items for auction.

69. (Currently Amended) The computer-implemented method of claim 68 wherein ~~registering the poster~~ authorizing an entity to sell items for auction comprises receiving identity information from the ~~poster~~ entity.

70. (Currently Amended) The computer-implemented method of claim 68 wherein ~~registering the poster~~ authorizing an entity to sell items for auction comprises ~~receiving~~ identifying financial information ~~from~~ for the ~~poster~~ entity.

71. (Currently Amended) The computer-implemented method of claim 68 wherein ~~registering the poster~~ authorizing an entity to sell items for auction comprises ~~opening~~ identifying a debit/credit account for the ~~poster~~ entity.

72. (Currently Amended) The computer-implemented method of claim 71 further comprising debiting the ~~poster's~~ account for the entity by an amount corresponding to a ~~poster's~~ fee.

73. (Currently Amended) The computer-implemented method of claim 71 further comprising crediting the ~~poster's~~ account for the entity by an amount corresponding to ~~the~~ a purchase price of an item sold at auction.

74. (Currently Amended) The computer-implemented method of claim 55 wherein ~~the poster~~ the first entity is a participant who logs into the ~~auction~~ computer system from a computing platform in order to provide information ~~about an item to be auctioned~~ corresponding to the item to be posted for auction.

75. (Currently Amended) The computer-implemented method of claim 74 wherein the ~~poster's~~ computing platform comprises a personal computer, a workstation, a cable set-top device, or a video game system ~~or a portable computing device~~.

76. (Currently Amended) The computer-implemented method of claim 55 wherein an auction participant logs into the ~~auction~~ computer system from a computing platform in order to browse or bid on items offered for auction.

77. (Currently Amended) The computer-implemented method of claim 76 wherein the ~~auction participant's~~ computing platform comprises a personal computer, a workstation, a cable set-top device, or a video game system ~~or a portable computing device~~.

78. (Currently Amended) The computer-implemented method of claim 55 wherein the ~~poster-provided~~ information corresponding to the item to be posted for auction includes a reserve price for the item to be posted for auctioned auction.

79. (Currently Amended) The computer-implemented method of claim 78 wherein the ~~poster's~~ reserve price is not revealed to auction participants.

80. (Currently Amended) The computer-implemented method of claim 55 wherein prior to bidding on an item an auction participant browses the predetermined list of categories to search for desired items on which to place bids.

81. (Currently Amended) The computer-implemented method of claim 55 wherein ~~the poster ships~~ an item purchased at auction is shipped to a destination specified by ~~the a~~ purchasing auction participant.

82. (Currently Amended) The computer-implemented method of claim 55 wherein the ~~poster provided~~ information corresponding to the item to be posted for auction includes an indication ~~from the poster whether that~~ the item to be offered for auction is to be advertised to potential bidders.

83. (Currently Amended) The computer-implemented method of claim 82 wherein the an advertisement ~~appears on~~ is displayed in association with a ~~main web page message~~ maintained by the auction computer system.

84. (Currently Amended) The computer-implemented method of claim 83 wherein the ~~main web page message~~ message comprises a welcome ~~page message~~.

85. (Currently Amended) The computer-implemented method of claim 55 further comprising notifying an auction participant that a bid by that participant has been accepted.

86. (Currently Amended) The computer-implemented method of claim 55 wherein an auction participant makes electronic payment for an item purchased at auction.

87. (Currently Amended) The computer-implemented method of claim 86 wherein an auction participant makes electronic payment by providing credit card or debit card information.

88. (Currently Amended) The computer-implemented method of claim 86 wherein an auction participant makes electronic payment by transferring an accounting

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for funds from an account maintained for the auction participant and accessible to the computer-implemented auction system.

89. (Currently Amended) The computer-implemented method of claim 86 wherein an auction participant makes electronic payment using e-money.

90. (Currently Amended) The computer-implemented method of claim 55 wherein the ~~poster-provided~~ information corresponding to the item to be posted for auction includes a specified time period for the auction.

91. (Currently Amended) The computer-implemented method of claim 55 wherein the auction process program indicates an opening bid for an the item offered for auction.

92. (Currently Amended) The computer-implemented method of claim 55 wherein the auction process program indicates a current bid for an the item offered for auction.

93. (Currently Amended) The computer-implemented method of claim 55 wherein presenting the auction to the plurality of auction participants comprises displaying one or more of the following: a ~~verbal~~ textual description of the item offered for auction, a graphical depiction of the item offered for auction, or bid information relating to the item offered for auction.

94. (Currently Amended) The computer-implemented method of claim 55 wherein presenting the auction to ~~the~~ a plurality of auction participants further comprises displaying advertisements to the plurality of ~~users~~ participants.

95. (Currently Amended) The computer-implemented method of claim 94 wherein the displayed advertisements relate to items offered for auction.

96. (Currently Amended) The computer-implemented method of claim 94 wherein the displayed advertisements relate to an advertisement administered by a central ~~operating~~ franchising authority.

97. (Currently Amended) The computer-implemented method of claim 55 wherein the computer system updates the display of the ~~item's~~ information about the item to be auctioned each time a bid higher than the current bid is received.

98. (Currently Amended) The computer-implemented method of claim 55 further comprising obtaining an auction participant's assent to terms of sale before accepting bids from the auction participant.

99. (Currently Amended) The computer-implemented method of claim 98 wherein the auction participant's assent is supplied via the Internet.

100-132. (Canceled)

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133. (Currently Amended) A computer-implemented method of facilitating ~~internet-based online~~ electronic auctions, the method comprising:

receiving, at a networked computer programmed to receive information over a communication network, information for each of a plurality of items to be posted for auction provided from a poster at least one of a plurality of first entities of an item to be auctioned, the information for each of the plurality of items to be posted for auction corresponding to a respective item to be auctioned and the information including (i) information identifying the respective item to be auctioned and designating an item category selected by the poster from a list of item categories presented at the networked computer, and (ii) input information relating to scheduling an auction for the respective item;

storing at least a portion of the received information in a database of information relating to items to be auctioned;

mapping, by a mapping module, at least a portion of the received information stored in the database from a database format into a world wide web presentation format that includes the identifying information identifying the respective item to be auctioned and the selected item category provided by the poster;

displaying the presentation format to a plurality of potential buyers;

based at least in part on the [[poster-]]selected item category and the auction scheduling input information relating to scheduling an auction for the respective item received from the poster prior to initiation of the an auction, autonomously initiating an instance of an ascending-bid auction process conducting to conduct an ascending-bid online auction for the respective item by executing an auction process program, the auction process including presenting the ascending-bid auction to the plurality of potential buyers and receiving bids on the respective item from one or more of the plurality of potential buyers; and

terminating the online auction of the respective item based on a predetermined condition.

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134. (Currently Amended) The computer-implemented method of claim 133 further comprising notifying a winning buyer that a bid submitted by the winning buyer was a winning bid.

135. (Currently Amended) The computer-implemented method of claim 133 wherein the information ~~received from the poster identifying the item to be auctioned for~~ each of the plurality of items to be posted for auction corresponding to a respective item to be auctioned includes at least one of an item title and an item description.

136. (Currently Amended) The computer-implemented method of claim 135 wherein the item description includes an electronic image of the item.

137. (Currently Amended) The computer-implemented method of claim 133 wherein receiving at the networked computer information for each of the plurality of items to be posted for auction corresponding to a respective item to be auctioned ~~from a poster~~ further comprises receiving information designating an item subcategory selected ~~by the poster~~ from among a list of item subcategories.

138. (Currently Amended) The computer-implemented method of claim 133 wherein the predetermined condition based on which the online auction is terminated comprises an occurrence of an auction termination time.

139. (Currently Amended) The computer-implemented method of claim 133 wherein receiving at the networked computer information for each of the plurality of items to be posted for auction corresponding to a respective item to be auctioned ~~from a poster~~ further comprises receiving a reserve price for the respective item to be auctioned.

140. (Currently Amended) The computer-implemented method of claim 133 wherein the predetermined condition based on which the online auction is terminated comprises an occurrence of the reserve price being met.

141. (Currently Amended) The computer-implemented method of claim 134 wherein notifying the winning buyer comprises sending the winning buyer an e-mail message.

142. (Currently Amended) The computer-implemented method of claim 133 further comprising notifying ~~the poster~~ an entity of an outcome of the online auction.

143. (Currently Amended) The computer-implemented method of claim 142 wherein notifying ~~the poster~~ an entity comprises sending the ~~poster~~ entity an e-mail message.

144. (Currently Amended) The computer-implemented method of claim 143 wherein the ~~poster~~ entity is notified of ~~the~~ a winning buyer's identity.

145. (Currently Amended) The computer-implemented method of claim 133 wherein receiving at the networked computer information for each of the plurality of items to be posted for auction corresponding to a respective item to be auctioned ~~from the poster of the item to be auctioned~~ further comprises receiving input relating to an advertisement for the item.

146. (Currently Amended) A computer-implemented method of facilitating ~~Internet-based online~~ electronic auctions, the method comprising:

~~receiving, at a first computer via the Internet, information via the Internet provided from poster's at least one of a plurality of remote computers, of items to be auctioned[[,]]~~
~~each poster the at least one remote computer providing information corresponding to an item to be posted for auction including~~ (i) information describing an ~~the~~ item to be auctioned ~~and, (ii) information for the designating designation of~~ an item category and an item subcategory selected ~~by the poster from a~~ an electronically displayed list of item categories and subcategories, and ~~(ii) (iii) input information~~ relating to scheduling an auction for the item;

storing at least a portion of the received information in a database of information relating to items to be auctioned;

displaying the list of item categories and subcategories via the Internet to a plurality of potential buyers, each potential buyer being able to browse the item categories and subcategories selectively to navigate to or search for a desired item offered for auction; and

for each item to be auctioned ~~the computer programming computer programming executing from computer-readable memory to:~~ (i) mapping map the received information stored in the database ~~corresponding relating to the item from a database format~~ into a world wide web presentation format that includes the ~~identifying information information describing the item to be auctioned~~ and the selected item category ~~provided by the item's poster;~~ (ii) displaying display the presentation format to a plurality of potential buyers; (iii) based at least in part of on the ~~item category and subcategory information information for the designation of~~ an item category and an item subcategory and ~~auction scheduling input the information relating to scheduling an auction for the item previously received from a poster received prior to initiation of an auction, conducting conduct~~ an autonomous ascending-bid online auction for the item including presenting the ascending-bid auction to the plurality of potential buyers and receiving bids on the item from one or more of the plurality of potential buyers; and (iv) ~~terminating terminate~~ the online auction of the item based on a predetermined condition.

147. (Currently Amended) The computer-implemented method of claim 11 ~~or 26~~ wherein the communication handler program comprises a Unix daemon.

148. (Currently Amended) The computer-implemented method of claim 11 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction relates to an auction duration.

149. (Currently Amended) The computer-implemented method of claim 11 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction relates to one or both of an auction starting time and an auction ending time.

150. (Currently Amended) The computer-implemented method of claim 11 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction comprises an indication that the auction is to be started immediately.

151. (Currently Amended) The computer-implemented method of claim 11 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction consists of an indication that the auction is to be started immediately.

152. (Currently Amended) The computer-implemented method of claim 11 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction comprises an indication that the auction is to be invoked by the ~~poster~~ first entity manually.

153. (Currently Amended) The computer-implemented method of claim 11 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction comprises an indication that the auction is to be initiated at a future time.

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154. (Currently Amended) The computer-implemented method of claim 20 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction relates to an auction duration.

155. (Currently Amended) The computer-implemented method of claim 20 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction relates to one or both of an auction starting time and an auction ending time.

156. (Currently Amended) The computer-implemented method of claim 20 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction comprises an indication that the auction is to be started immediately.

157. (Currently Amended) The computer-implemented method of claim 20 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction consists of an indication that the auction is to be started immediately.

158. (Currently Amended) The computer-implemented method of claim 20 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction comprises an indication that the auction is to be invoked by the ~~poster~~ remote entity manually.

159. (Currently Amended) The computer-implemented method of claim 20 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction comprises an indication that the auction is to be initiated at a future time.

160. (Currently Amended) The ~~method~~ computer-implemented system of claim 33 wherein the received ~~auction-scheduling input~~ input relating to scheduling an auction relates to an auction duration.

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161. (Currently Amended) The ~~method~~ computer-implemented system of claim 33 wherein the received ~~scheduling input~~ input relating to scheduling an auction relates to one or both of an auction starting time and an auction ending time.

162. (Currently Amended) The ~~method~~ computer-implemented system of claim 33 wherein the received ~~scheduling input~~ input relating to scheduling an auction comprises an indication that the auction is to be started immediately.

163. (Currently Amended) The ~~method~~ computer-implemented system of claim 33 wherein the received ~~scheduling input~~ input relating to scheduling an auction consists of an indication that the auction is to be started immediately.

164. (Currently Amended) The ~~method~~ computer-implemented system of claim 33 wherein the received ~~scheduling input~~ input relating to scheduling an auction comprises an indication that the auction is to be invoked by the ~~poster~~ first entity manually.

165. (Currently Amended) The ~~method~~ computer-implemented system of claim 33 wherein the received ~~scheduling input~~ input relating to scheduling an auction comprises an indication that the auction is to be initiated at a future time.

166. (Currently Amended) The ~~method~~ computer-implemented auction system of claim 40 wherein the received ~~auction scheduling input~~ specified auction scheduling information for each item available for auction relates to an auction duration.

167. (Currently Amended) The ~~method~~ computer-implemented auction system of claim 40 wherein the received ~~scheduling input~~ specified auction scheduling information for each item available for auction relates to one or both of an auction starting time and an auction ending time.

168. (Currently Amended) The ~~method~~ computer-implemented auction system of claim 40 wherein the received ~~scheduling input~~ specified auction scheduling information for each item available for auction comprises an indication that the auction is to be started immediately.

169. (Currently Amended) The ~~method~~ computer-implemented auction system of claim 40 wherein the received ~~scheduling input~~ specified auction scheduling information for each item available for auction consists of an indication that the auction is to be started immediately.

170. (Currently Amended) The ~~method~~ computer-implemented auction system of claim 40 wherein the received ~~scheduling input~~ specified auction scheduling information for each item available for auction comprises an indication that the auction is to be invoked ~~by the poster~~ manually.

171. (Currently Amended) The ~~method~~ computer-implemented auction system of claim 40 wherein the received ~~scheduling input~~ specified auction scheduling information for each item available for auction comprises an indication that the auction is to be initiated at a future time.

172. (Currently Amended) The ~~method~~ computer-implemented system of claim 43 wherein the received auction scheduling ~~input~~ information relates to an auction duration.

173. (Currently Amended) The ~~method~~ computer-implemented system of claim 43 wherein the received auction scheduling ~~input~~ information relates to one or both of an auction starting time and an auction ending time.

174. (Currently Amended) The ~~method~~ computer-implemented system of claim 43 wherein the received auction scheduling input information comprises an indication that the auction is to be started immediately.

175. (Currently Amended) The ~~method~~ computer-implemented system of claim 43 wherein the received auction scheduling input information consists of an indication that the auction is to be started immediately.

176. (Currently Amended) The ~~method~~ computer-implemented system of claim 43 wherein the received auction scheduling input information comprises an indication that the auction is to be invoked by the ~~poster~~ first entity manually.

177. (Currently Amended) The ~~method~~ computer-implemented system of claim 43 wherein the received auction scheduling input information comprises an indication that the auction is to be initiated at a future time.

178. (Currently Amended) The ~~method~~ computer-implemented auction participation system of claim 49 wherein the received ~~auction scheduling input~~ auction scheduling information for each item relates to an auction duration.

179. (Currently Amended) The ~~method~~ computer-implemented auction participation system of claim 49 wherein the received ~~scheduling input~~ auction scheduling information for each item relates to one or both of an auction starting time and an auction ending time.

180. (Currently Amended) The ~~method~~ computer-implemented auction participation system of claim 49 wherein the received ~~scheduling input~~ auction scheduling information for each item comprises an indication that the auction is to be started immediately.

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181. (Currently Amended) The ~~method~~ computer-implemented auction participation system of claim 49 wherein the received ~~scheduling input~~ auction scheduling information for each item consists of an indication that the auction is to be started immediately.

182. (Currently Amended) The ~~method~~ computer-implemented auction participation system of claim 49 wherein the received ~~scheduling input~~ auction scheduling information for each item comprises an indication that the auction is to be invoked ~~by the poster~~ manually.

183. (Currently Amended) The ~~method~~ computer-implemented auction participation system of claim 49 wherein the received ~~scheduling input~~ auction scheduling information for each item comprises an indication that the auction is to be initiated at a future time.

184. (Currently Amended) The ~~method~~ computer-implemented system of claim 54 wherein the received auction scheduling ~~input~~ information relates to an auction duration.

185. (Currently Amended) The ~~method~~ computer-implemented system of claim 54 wherein the received scheduling ~~input~~ information relates to one or both of an auction starting time and an auction ending time.

186. (Currently Amended) The ~~method~~ computer-implemented system of claim 54 wherein the received scheduling ~~input~~ information comprises an indication that the auction is to be started immediately.

187. (Currently Amended) The ~~method~~ computer-implemented system of claim 54 wherein the received scheduling ~~input~~ information consists of an indication that the auction is to be started immediately.

188. (Currently Amended) The ~~method~~ computer-implemented system of claim 54 wherein the received scheduling ~~input~~ information comprises an indication that the auction is to be invoked by the ~~poster~~ user manually.

189. (Currently Amended) The ~~method~~ computer-implemented system of claim [[43]] 54 wherein the received scheduling ~~input~~ information comprises an indication that the auction is to be initiated at a future time.

190. (Currently Amended) The computer-implemented method of claim 55 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction relates to an auction duration.

191. (Currently Amended) The computer-implemented method of claim 55 wherein the received ~~scheduling-input~~ information relating to scheduling an auction relates to one or both of an auction starting time and an auction ending time.

192. (Currently Amended) The computer-implemented method of claim 55 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction comprises an indication that the auction is to be started immediately.

193. (Currently Amended) The computer-implemented method of claim 55 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction consists of an indication that the auction is to be started immediately.

194. (Currently Amended) The computer-implemented method of claim 55 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction comprises an indication that the auction is to be invoked ~~by the poster~~ manually.

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195. (Currently Amended) The computer-implemented method of claim 55 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction comprises an indication that the auction is to be initiated at a future time.

196. (Currently Amended) The computer-implemented method of claim 133 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction for the respective item relates to an auction duration.

197. (Currently Amended) The computer-implemented method of claim 133 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction for the respective item relates to one or both of an auction starting time and an auction ending time.

198. (Currently Amended) The computer-implemented method of claim 133 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction for the respective item comprises an indication that the auction is to be started immediately.

199. (Currently Amended) The computer-implemented method of claim 133 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction for the respective item consists of an indication that the auction is to be started immediately.

200. (Currently Amended) The computer-implemented method of claim 133 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an auction for the respective item comprises an indication that the auction is to be invoked ~~by the poster~~ manually.

201. (Currently Amended) The computer-implemented method of claim 133 wherein the received ~~auction-scheduling-input~~ information relating to scheduling an

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auction for the respective item comprises an indication that the auction is to be initiated at a future time.

202. (Currently Amended) The computer-implemented method of claim 146 wherein the received ~~auction-scheduling input~~ information relating to scheduling an auction for the item relates to an auction duration.

203. (Currently Amended) The computer-implemented method of claim 146 wherein the received ~~auction-scheduling input~~ information relating to scheduling an auction for the item relates to one or both of an auction starting time and an auction ending time.

204. (Currently Amended) The computer-implemented method of claim 146 wherein the received ~~auction-scheduling input~~ information relating to scheduling an auction for the item comprises an indication that the auction is to be started immediately.

205. (Currently Amended) The computer-implemented method of claim 146 wherein the received ~~auction-scheduling input~~ information relating to scheduling an auction for the item consists of an indication that the auction is to be started immediately.

206. (Currently Amended) The computer-implemented method of claim 146 wherein the received ~~auction-scheduling input~~ information relating to scheduling an auction for the item comprises an indication that the auction is to be invoked by the ~~poster~~ manually.

207. (Previously Presented) The method of claim 146 wherein the received auction scheduling input comprises an indication that the auction is to be initiated at a future time.

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208. (Currently Amended) The computer-implemented method of claim 21 wherein the predetermined condition is defined at least in part by the received ~~auction scheduling input~~ input relating to scheduling an auction for an item.

209. (Currently Amended) The ~~method~~ computer-implemented system of claim 43 wherein the at least one or more predetermined ~~condition~~ criteria is defined at least in part by the received auction scheduling input information.

210. (Currently Amended) The computer-implemented method of claim 133 wherein the predetermined condition is defined at least in part by the received ~~auction scheduling input~~ information relating to scheduling an auction for the respective item.

211. (Currently Amended) The computer-implemented method of claim 146 wherein the predetermined condition is defined at least in part by the received ~~auction scheduling input~~ information relating to scheduling an auction for the item.

212-218. (Canceled)

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219. (Currently Amended) A computer-based auction apparatus for facilitating Internet-based auctions where the computer based auction apparatus is under a central operating franchising authority's control, the auction apparatus comprising:

(a) a first computer system in communication with the ~~internet~~ Internet and ~~capable of executing~~ configured to execute a plurality of substantially simultaneous processes;

(b) one or more processes stored in computer-readable memory and executing on the first computer system to perform the following:

(i) receive, over a communication network, from a remote program executing on a remote, independently operated computer system ~~independently operated by a seller,~~ auction item information including: information describing an item to be offered for auction[[, the information]] containing a designation of an item category, selected from a list of item categories, a short title for the item, a textual description of the item, and a digital image of the item, and information containing an identification of the selling entity that is posting the item for auction, and information for scheduling an auction for the item;

(ii) initiate an autonomous ascending-bid auction instance for the item based at least on the information for scheduling an auction for the item received from the ~~selling entity~~ remote, independently operated computer system describing an item offered for auction by the selling entity;

(iii) map at least a portion of the received information from a database format into a world wide web presentation format;

~~(iii)~~ (iv) maintain a data structure to verify a bidder from the internet is an authorized remote electronic bidding participant in the computer based auction apparatus of participant session identifications for auction participants remotely connected to the auction apparatus via the Internet to correctly identify participants at a particular auction instance;

(v) execute a subroutine to check participant sessions for bids from the auction participants; and

(iv) (vi) terminate the autonomous ascending-bid auction instance for the item based on predetermined auction termination criteria.

220. (Currently Amended) The computer-based auction apparatus of claim 219 wherein the initiated autonomous ascending-bid auction instance comprises an independent auction instance executing substantially simultaneously with a plurality of other autonomous auction instances.

221. (Currently Amended) The computer-based auction apparatus of claim 219 wherein the remote program executing on a ~~computer system independently operated by a seller~~ the remote, independently operated computer system is executes at a remote consignment node associated with a user whom who created a data record for the item to be ~~auction~~ auctioned and electronically presented the item to the ~~auction node~~ first computer system.

222. (Currently Amended) The computer-based auction apparatus of claim 219 wherein the remote program executing on a ~~computer system independently operated by a seller~~ the remote, independently operated computer system is executes at a remote posting terminal associated with a user whom who created a data record for the item to be auctioned and electronically presented the item to the ~~auction node~~ first computer system.

223. (Currently Amended) The computer-based auction apparatus of claim 219 wherein a central ~~operating~~ franchising authority ~~of the auction process policies~~ polices a network of ~~user participants~~ users to impose a performance structure on the network users and the central ~~operating~~ franchising authority revoking the a franchise license or franchise to electronically present items for auction at the ~~auction apparatus~~ first computer system from poor performing or fraudulent users.

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224. (Currently Amended) The computer-implemented system of claim 54 wherein at least one user ~~participant~~ is a remote consignment node user that created a data record for the item to be ~~auction~~ auctioned and electronically presented the data record for the item to the auction-node networked market maker computer.

225. (Currently Amended) The computer-implemented system of claim 54 wherein at least one user ~~participant~~ is a remote posting terminal user that created a data record for the ~~time~~ item to be auctioned and electronically presented the data record for the item to the auction-node networked market maker computer.

226. (Currently Amended) The computer-implemented system of claim 54 wherein the system is configured to allow a central operating franchising authority of the ~~auction-node policies~~ to police a network of user ~~participants~~ users to impose a performance structure on the network users and to permit the central operating franchising authority ~~revoking~~ to revoke the a franchise license ~~or franchise~~ to electronically present items for auction at the ~~auction-node~~ networked market maker computer from poor performing or fraudulent users.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The independent claims are directed towards a method and system for conducting auctions on the Internet, *inter alia*, comprising: receiving over a communication network a designation of an item category selected from a list of item categories presented at a remote computer.

The most remarkable prior art of record is to Nahan et al. (U.S. Patent No. 5,664,111) (hereafter: "Nahan et al.").

Nahan et al. teaches a method and system of incorporating high resolution imaging, printing and database management, in a multimedia environment, for the marketing, selection, purchase, and sale of unique, high monetary value characteristic products, including the processing of all documents to effect and settle the resulting transaction, over a high speed communications network on a dynamic, real-time basis (col. 2, lines 38-45). Original works of art are photographed with a high resolution camera, converted to digital images on computer controlled electronic scanning equipment, categorized by different criteria, and stored in a complex computer database along with information about the artist and artwork (col. 2, lines 60-64). The digital images and related data are available twenty four hours a day for virtually instantaneous transmission over the desired media, i.e. fiber optic cables to dealers who are part of a

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wide area network which extends around the world (the "Network")(col. 2, line 65-col. 3, line 2).

Nahan et al., however fails to teach an auction process. In fact, Nahan et al. teaches away from utilizing an auction process. As stated in Nahan et al.: "[The invention] also enables individual owners to offer their artwork for sale to a wide audience in a forum other than an auction, while allowing them to retain physical possession of such artwork until it is sold." (col. 4, lines 20-26: emphasis added). Accordingly, one of ordinary skill in the art would have viewed any modification of Nahan et al. to have included an auction process as serving to destroy the very purpose of the Nahan et al. invention.

Moreover, in that Nahan et al. fails to teach an auction process, Nahan et al. equally fails to teach receiving a description including a category selected from a list of categories provided by the auction system. Nahan et al. discloses the seller transmitting "data about the various works and their corresponding artist 450 – entering the information into a standard form." Nahan et al. further discloses a finite number of categories at cols. 8 and 9. However, Nahan et al. does not have sufficient information such that one of ordinary skill in the art would conclude that Nahan et al. necessarily discloses receiving a description including a category selected from a list of categories provided by the auction system. It is equally possible in the system of Nahan et al. that category information is entered at the host computer. Inherency ... may not be established by probabilities or possibilities. The mere fact that a certain thing may result

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from a given set of circumstances is not sufficient. *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed Cir. 1999).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information Disclosure Statement

The information disclosure statement (IDS) submitted on December 10, 2004 and Oc was filed after the mailing date of the *** on ***. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

EXAMINER COMMENTS

All references cited on the attached PTO-892 form and the attached PTO-892 form addendum are not being furnished with this office action pursuant to MPEP 707.05(a). However, copies of all the references cited on said attachments have been previously furnished and made of record in Reexamination Applications 90/006,984 and 90/006,957.

CONCLUSION

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Duncan, U.S. Patent No. 2,321,372, discloses a telegraphic auction system.
- Stockfeld, U.S. Patent No. 2,398,677, discloses a selling control system and machine therefor.
- Asthana et al., U.S. Patent No. 5,265,006, discloses a demand scheduled partial carrier load planning system for the transportation industry.
- Brown et al., U.S. Patent No. 6,026,368, discloses an on-line interactive system and method for providing content and advertising information to a targeted set of viewers.
- Wren, U.S. Patent No. 6,055,514, discloses a system for marketing foods and services utilizing computerized central and remote activities.
- Wren, U.S. Patent Application Publication No. 2003/0046186, discloses a system for marketing goods and services utilizing computerized central and remote facilities.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Gart
Primary Examiner, Art Unit 3625


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